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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,659	09/25/2003	Phillip J. Bouic	58105US003	8364
32692	7590	05/03/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				BARNEY, SETH E
ART UNIT		PAPER NUMBER		
3752				DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/670,659	BOUIC ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Seth Barney	3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 September 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-40 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8, 11, 13-15, 18-31, 36 and 38-40 is/are rejected.

7) Claim(s) 9, 10, 12, 16, 17, 32-35 and 37 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/3/03, 3/7/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

^Art Unit: 3752

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 35 is objected to because of the following informalities: The claim currently consists of more than one sentence. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 20, 21, 23-25, 26-28, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,655,714 to Kieffer et al.

Regarding claim 1, Kieffer discloses a liquid spraying apparatus having a spray gun (102), a reservoir (120), a connector (133) that connects the reservoir to the spray gun to permit liquid to be withdrawn from the reservoir, the connector being releasable for detaching the reservoir from the spray gun, and a security clip (135,141) for restricting the connector. See Figure 1 and column 3 lines 47 to 65.

Regarding claim 2, the connector comprises mateable formations on the reservoir and spray gun that are engageable to secure the reservoir to the gun in an outlet of the reservoir in communication with an inlet of the gun, and the security clip is operable to maintain engagement of the mateable formations.

Regarding claim 20, the reservoir is reusable.

Regarding claim 21, the reservoir comprises a rigid pot.

Regarding claims 23-25 the spraying apparatus of Kieffer is inherently capable of being gravity, suction or pressure fed.

Regarding claim 26, Kieffer discloses a inlet adaptor (133) for connecting a reservoir (120) to a spray gun (102), the adaptor having a connector part engageable with a connector part on the reservoir and a retainer part (135,141) for maintaining engagement of the connector parts. See Figure 1.

Regarding claim 27, the inlet adaptor includes a tubular body (see Figure 2) having a first end for connection to the spray gun (not labeled, see Figure 2) and a second end (130) for connection to the reservoir with an internal through bore extending between the first end and the second end for transferring liquid from the reservoir to the spray gun.

Regarding claim 28, the first end has a screw threading portion for connecting the adaptor to an inlet on the gun and second end has a socket for connecting the adaptor to an outlet of the reservoir. See Figures 1 and 2.

Regarding claim 38, Kieffer discloses a system for securing a reservoir to a spray gun comprising providing connector parts on the gun and reservoir having a mateable

formations for releasably connecting the reservoir to the gun with an outlet on the reservoir in fluid communication with an inlet on the gun, and a retainer part operable to maintain engagement of the connector parts. See Figures 1 and 2.

4. Claims 26-30 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,820,824 to Joseph et al.

Regarding claim 26, Joseph discloses an inlet adaptor (21) for connecting a reservoir (12) to a spray gun (1), the adaptor having a connector part engageable with a connector part on the reservoir and a retainer part (18) for maintaining engagement of the connector parts. See Figure 4.

Regarding claim 27, the inlet adaptor includes a tubular body (see Figure 4) having a first end for connection to the spray gun (3) and a second end (22) for connection to the reservoir with an internal through bore extending between the first end and the second end for transferring liquid from the reservoir to the spray gun.

Regarding claim 28, the first end has a screw threading portion (23) for connecting the adaptor to an inlet on the gun and second end has a socket for connecting the adaptor to an outlet of the reservoir. See Figure 4.

Regarding claims 29 and 30, while the details of connection are not shown, a bayonet fitting as described in column 5 lines 35 to 41 is known to operate as claimed.

Regarding claim 38, Joseph discloses a system for securing a reservoir (12) to a spray gun (1) comprising providing connector parts (22-23) on the gun and reservoir having a mateable formations for releasably connecting the reservoir to the gun with an

Art Unit: 3752

outlet on the reservoir in fluid communication with an inlet on the gun, and a retainer part (18) operable to maintain engagement of the connector parts. See Figure 4.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-8, 11, 13-15, 18-25, 31, 36, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,820,824 to Joseph et al. as applied to claims 26-30 above, and in further view of U.S. Patent No. 5,655,714 to Kieffer et al.

Regarding claim 1, Joseph discloses a liquid spraying apparatus having a spray gun (1), a reservoir (12), a connector (21) that connects the reservoir to the spray gun to permit liquid to be withdrawn from the reservoir, the connector being releasable for

detaching the reservoir from the spray gun. See Figures 3, 4, and 6. Joseph does not disclose the a security clip for restricting release of the connector. Kieffer discloses a security clip (135,141) for restricting the connector. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Joseph with the security clip of Kieffer to safely secure the spray gun connection.

Regarding claim 2, the modified apparatus of Joseph has a connector comprising mateable formations (18, 22) on the reservoir and spray gun that are engageable to secure the reservoir to the gun with an outlet of the reservoir in communication with the inlet of the gun, and the security clip (as modified by Kieffer) is operable to maintain engagement of the mateable formations.

Regarding claim 3, the mateable formations are engageable by a push/twist action to secure the reservoir to the spray gun and the reservoir can be released by a reverse action to disengage the mateable formations. See column 5 lines 35 to 41.

Regarding claims 4 and 5, the reservoir is provided with a pair of hook members (18) co-operable with a flange on the spray gun to secure the reservoir to the spray gun. While the details of connection are not shown, a bayonet fitting as described in column 5 lines 35 to 41 is known to operate as claimed.

Regarding claim 6, the spraying apparatus of Joseph modified with the security clip of Kieffer comprises a retainer part movable between an inoperative position in which the reservoir can be connected to and disconnected from the spray gun and an operative position in which disconnection of the reservoir is restricted.

Regarding claim 7 and 36, the spraying apparatus of Joseph modified with the security clip of Kieffer would be releasably held in the operative position. See Figure 1 of Kieffer.

Regarding claim 8, the spraying apparatus of Joseph modified with the security clip of Kieffer would be held in position by interchangeable formations. See Figure 1 of Kieffer.

Regarding claim 11, the spraying apparatus of Joseph modified with the security clip of Kieffer would have a retainer part that restricts relative rotation of the reservoir and spray gun in the operative position as to maintain engagement of the mateable formations securing the reservoir to the spray gun.

Regarding claims 13 and 31, the spraying apparatus of Joseph modified with the security clip of Kieffer would have a flange provided by an inlet adapter secured to the spray gun and the retainer part located on the adaptor for movement between the operative position and the inoperative position.

Regarding claim 14, the spraying apparatus of Joseph modified with the security clip of Kieffer has an adaptor comprising a tubular body having a first end connectable to the spray gun inlet and a second end connectable to the reservoir outlet with an internal through bore extending between both ends. See Figure 4 of Joseph.

Regarding claim 15, the spraying apparatus of Joseph modified with the security clip of Kieffer has the flange provided at the second end of the adaptor and the retainer part comprises a ring-shaped clip (See Figure 1 of Kieffer) slideably mounted on the

body between the flange on the first end for axial movement towards and away from the flange.

Regarding claim 18, the first end of the adaptor has a screw threaded portion for engagement with a complimentary screw threaded portion on the spray gun to connect the adaptor to the gun inlet. See Figure 4 of Joseph.

Regarding claim 19, the second end has a socket to receive the tube on the reservoir to connect the adaptor to the reservoir outlet. See Figure 4 of Joseph.

Regarding claim 20, the reservoir is reusable.

Regarding claim 21, the reservoir comprises a rigid pot.

Regarding claim 22, the reservoir comprises an outer container, an inner liner received within the outer container, a lid closing the liner and secured by a collar connected to the outer container, the arrangement being such that the lid/liner assembly can be removed and discarded after use with the outer container and collar being reusable. See column 6 line 34 to column 7 line 33 of Joseph.

Regarding claims 23-25 the spraying apparatus is inherently capable of being gravity, suction or pressure fed.

Regarding claim 39, Joseph discloses mateable formations are engagable with a push/twist action, but does not disclose a retainer part that is operable to block the reverse action to prevent release of the formations. Kieffer discloses a retainer that would secure the attachment. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spraying apparatus of Joseph

with the retaining member of Kieffer in order to safely secure the reservoir to the spray gun.

Regarding claim 40, the modified spraying apparatus of Joseph would have the retaining part restrict relative rotation of the formations to a position in which the formations can be disengaged to disconnect the reservoir from the gun.

***Allowable Subject Matter***

8. Claims 9,10,12, 16, 17, 33-35, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,826,795 to Holland et al. discloses a spray assembly having two bayonet connectors attached to the spray gun and reservoir. U.S. Patent No. 6,092,740 to Liu discloses a paint spray gun having a reservoir and a screw thread connection. U.S. Patent No. 3,401,842 to Morrison discloses a spray gun having a reservoir and a security clip. U.S. Patent No. 5,119,993 discloses a solid particulate spreader having a reservoir with a bayonet type connection. U.S. Patent No. 4,151,929 to Sapien discloses a paint spray gun having a reservoir and a security clip. U.S. Patent No. 3,432,104 to Kaltenbach discloses a spray gun assembly having a reservoir and a security clip. U.S. Patent No. 3,211,324 to Sapien discloses a paint

spray assembly having a reservoir and a security clip. U.S. Patent No. 5,143,294 to Lintvedt discloses a spray gun assembly having a reservoir and a lining bag.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seth Barney  
Examiner  
Art Unit 3752

sb



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